

DOCKET NO.: ISIS-5024
Application No.: 10/073,718
Office Action Dated: June 17, 2003

PATENT

REMARKS/ARGUMENT

As a preliminary matter, Applicants would like to thank the Examiner for providing an initialed copy of the PTO Form 1449 filed on May 29, 2002.

The specification has been updated to reflect the claim of priority listed on the application transmittal form on pages 2-3. The Office Action objects to the specification on pages 19-59 as allegedly reciting nucleic acid sequences without their corresponding SEQ ID NOs. However, Applicants note that a substitute specification was filed on May 8, 2002, with the response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure. The specification on pages 19-59 was amended to recite the SEQ ID Nos. Therefore, the objection is moot.

Rejection under 35 U.S.C. §102

Claims 1 and 45-53 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 5,578,718 to Cook et al. (the "Cook patent"). Applicants traverse this rejection because the Cook patent is not a proper reference under 35 U.S.C. § 102(e).

Section 102(e) states in relevant part that:

A person shall be entitled to a patent unless -

. . . the invention was described in a patent granted on an application for patent by another filed in the United States before the invention by the application for patent

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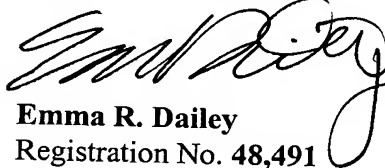
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The present application claims priority to patent application serial number 08/463,358, filed January 11, 1990. The Cook patent indicates on its face that it claims priority to the same patent application and has the same effective filing date. Therefore, the subject matter in the Cook patent that serves as the basis of the rejection was *not* described in a patent granted on an application for patent by another filed in the United States *before* the invention by the application for patent, as required by section 102(e). Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 5,466,786 to Buhr et al. (the "Buhr patent"). Applicants traverse this rejection. However, solely for purposes of advancing prosecution, Applicants have amended claim 1. Applicants respectfully request reconsideration and withdrawal of the rejection.

The foregoing constitutes a *bona fide* attempt to advance prosecution. The undersigned invites the Examiner to contact her at the number below should there be any questions.

Respectfully submitted,


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Date: September 17, 2003

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